

REMARKS

Claims 12-25 and 94-119 are pending in the application. Applicant appreciates the indication that claim 26 contains allowable subject matter. Claim 12 has been amended to more clearly clarify the claimed subject matter, to overcome the rejection under 35 U.S.C. § 112, second paragraph, and the rejection under 35 U.S.C. § 101. Moreover, independent claim 12 has been amended to include the allowable subject matter of claim 26 and is submitted to be in immediate condition for allowance. Claims 17 and 25 have been amended to address syntax. Claims 1-11 and 26-93 have been cancelled herein without prejudice or disclaimer in view of Applicant's right to file one or more divisional or continuation applications. New claims 94-119 have been added and are submitted to be patentable over the art of record. New claims 100-119 are apparatus claims that reflect the subject matter of method claims 12-25 and 94-99, in conformance with the Examiner Interview. The specification has been amended as shown to reword the Abstract, and to address certain grammatical, format, clarity, and/or syntax issues in various paragraphs, as shown above. No new matter has been added. In view of the amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of all rejections and timely allowance of the application to issue into a patent.

Examiner Interviews

An in-person Examiner interview was held on November 17, 2009 at the USPTO Offices. Present were Examiner Nguyen, inventor Charles Henderson, Grace Kitzmiller, and the applicant's undersigned representative. Applicant wishes to thank the examiner for her courtesies. A demonstration of the claimed invention was presented. The demonstration was based on the actual software submitted with the provisional application 60/455,759, which this application claims benefit. Based on the demonstration and subsequent discussion, the Examiner agreed to withdraw the 112 rejection, related to "so that the receiver's second set of access rights evolves as an automated function of the first set of access rights."

Also, a proposed amendment to claim 12 was discussed, and an agreement obtained that the proposed claim language would overcome the rejection under 35 U.S.C.

§ 101, and such amendment is included herein. Further, a discussion ensued in view of Lehmann regarding at least claims 12, 20, 21, and 25-26 where Applicant presented reasons why Lehmann fails to anticipate claims 12-25 under 35 U.S.C. § 102. The Examiner will consider such reasons when formally presented.

In a subsequent phone call to the Examiner on November 18, 2009, the Examiner agreed that newly added apparatus claims reflective of the subject matter of claim 12 and its dependent claims would also be allowable.

Rejections Under 35 U.S.C. § 112

Claims 12-26 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses the rejection.

Specifically, claim 12, was rejected on the basis of insufficient antecedent basis for “the set of access rights.” The claim also recites “so that the receiver’s second set of access rights evolves as an automated function of the first set of access rights” and “iteration of access evolution” which is allegedly vague and indefinite as it is allegedly unclear what Applicant is trying to claim. Claim 26 was rejected on the basis that there is insufficient antecedent basis for “the entity” and “the manage exclusion.”

In response, claim 12 has been amended to address the antecedent basis for “the set of access rights” by reciting “the first set of access rights.”

Also, in view of the Examiner Interview, the rejection concerning “so that the receiver’s second set of access rights evolves as an automated function of the first set of access rights” and “iteration of access evolution” has been agreed to be withdrawn by the Examiner, as it was agreed in the Examiner Interview that this portion of the claim complies with 35 U.S.C. § 112, second paragraph. As to claim 26, this claim has been cancelled and the subject matter incorporated into independent claim 1, while addressing the antecedent basis, rendering the 35 U.S.C. § 112, second paragraph, rejection of claim 26 moot.

Applicant respectfully submits that the 35 U.S.C. § 112, second paragraph rejection should now be fully withdrawn.

Rejections Under 35 U.S.C. § 101

Claims 12-26 stand rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter. In view of the Amendment to claim 12 and the Examiner Interview, Applicant respectfully submits that this rejection should be withdrawn.

Rejections Under 35 U.S.C. § 102(e)

Claims 12-25 stand rejected under 35 U.S.C. 102(e) as being allegedly anticipated by Lehmann (US 7,246,164). Applicant respectfully disagrees with the Office Action and submits that Lehmann fails to anticipate claims 12-25 as originally presented, and as explained in the Examiner Interview. However, in order to achieve allowance and issuance of the allowable subject matter as a patent, allowable claim 26 has been combined herein with independent claim 12. Allowable claim 26, and as well as other claims subject to a prior restriction, have been cancelled herein, without prejudice or disclaimer, in favor of Applicant's right to pursue a continuation and/or divisional application. Applicant respectfully submits that the 35 U.S.C. § 102(e) rejection has been rendered moot, and should now be withdrawn.

Support for Amendments to the Newly Added Claims

Support for the amendment to claim 94 and claim 114 may be found at least at one or more of page 12, lines 12-29; and page 14, lines 5-14.

Support for the amendment to claim 95 and claim 115 may be found at least at one or more of page 20, lines 26-28; and page 21, lines 5-6.

Support for the amendment to claim 96 and claim 116 may be found at least at one or more of page 20, lines 26-28; page 21, lines 5-6; and page 38, lines 18-25.

Support for the amendment to claim 97 and claim 117 may be found at least at one or more of page 20, lines 20-25; and page 21, lines 8-21.

Support for the amendment to claim 98 and claim 118 may be found at least at page 23, lines 15-25.

Support for the amendment to claim 99 and claim 119 may be found at least at one or more of page 21, lines 30-32; page 22, lines 1-4; and page 23, lines 3-14.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that all of the pending claims are in clear condition for allowance. The Examiner is respectfully requested to promptly allow the pending claims for passing the application to issue.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is requested to contact the Applicant' undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles J. Gross", with a long horizontal flourish extending to the right.

Charles J. Gross
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